(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(CHHATTISGARH)

W.P. No. 2349 /2002

PETITIONER : Dr. C.P. AGREY,
S/o Shri CL Agrey,
Aged about 47 years,
Asst. Surgeon (Under Suspension),
R/o Chakrabhatta Camp,
Bilaspur (CG).

P. R. No. 2464/11 Dr. C.P. Agrey
Presented by Shri Vinay Pandey Advocate for petitioner
dated 1.4.02

Vs

RESPONDENTS :

1. UNION OF INDIA
Through- Secretary,
Ministry of Personnel, Public
Grievances & Pensions,
New Delhi.

2. State of Chhattisgarh,
Through – Secretary,
Ministry of General Administration,
DK Bhavan, Raipur.

3. State of Madhya Pradesh,
Through – Chief Secretary,
Ministry of Public Health &
Family Welfare Deptt.,
Vallabh Bhavan, Bhopal .

4. Director, Health Services,
Chhattisgarh, Raipur.

5. Chief Medical & Health Officer,
Bilaspur (CG).

संभाग आयुक्त, बिलासपुर

Advance Copy

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(60)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.2349/ **सन् 2002**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	23.09.2005 Mr. P. Das and Mr. Vivek Sharma, Advocates for the petitioner. Ms. Sharmila Singhai, learned Central Government counsel for Union of India / respondent No.1. Mr. Pankaj Shrivastava, learned Panel Lawyer for the State of Chhattisgarh. Heard. Learned counsel for the petitioner submits that the petitioner is working as Assistant Surgeon at Primary Health Centre, Chakrabhata, District Bilaspur. On reorganization of the State of Madhya Pradesh pursuant to M.P. Reorganization Act, 2000, new State of Chhattisgarh was created on 01.11.2000. On 23/24.09.2002, a tentative provisional allocation order was passed, without taking the consent of the petitioner, allocating the services of the petitioner to the State of Madhya Pradesh. Learned counsel for the petitioner submits that the petitioner ought to have been allocated to the State of Chhattisgarh, in view of the fact of the case, as the petitioner was born in the State of Chhattisgarh and he had done all his services in the State of Chhattisgarh. The provisional allocation order was passed without taking his consent as such the petitioner wants to make a representation to the Union of India for reconsidering his case for allocation to the State of Chhattisgarh. Learned counsel for the petitioner refers to a decision dated 28.04.2003 in W.P.No.2354 of 2002 passed by this Court whereunder it was directed that till the decision is given by	

(61)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P.No.2349/... **सन् 2002**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the Central Government on the representation of the petitioner, the petitioner would be allowed to continue, in case the petitioner had not been relieved. Learned counsel for the petitioner further submits that by order dated 18.11.2002, passed by this Court status quo with regard to the posting of the petitioner in the State of Chhattisgarh was maintained. Accordingly, the petitioner has been continued in the services in the State of Chhattisgarh.

Ms. Sharmila Singhai, learned Central Government counsel appearing for Union of India / respondent No.1, Mr. Pankaj Shrivastava, learned Panel Lawyer for the State of Chhattisgarh / respondents 2, 4 & 5 do not dispute the facts as stated by the learned counsel for the petitioner.

In view of the order of this Court dated 28.04.2003 passed in W.P.No. 2354 of 2002, the Union of India is directed to consider the representation of the petitioner expeditiously and the petitioner be permitted to continue his services in the State of Chhattisgarh till decision of the respondent No.1.

In view of the foregoing, the petition stands disposed of.

Consequently, all pending applications also stand disposed of.

Sd/-
Satish K. Agnihotri
Judge

Sarma...